



**EBC Site Remediation and Redevelopment Program
Brownfields Financing: Massachusetts State and Federal Programs**

Wednesday, October 10, 2018

Bowditch & Dewey, LLP | Framingham, Massachusetts

AGENDA

- 8:00 a.m. **Welcome: Jonathan Kitchen, Chair, EBC Site Redevelopment Committee**
Senior Project Manager, Civil & Environmental Consultants, Inc.
- Welcome to Bowditch & Dewey, LLP: Robert D. Cox, Jr., Managing Partner**
- Introduction and Program Overview**
- David Foss, Program Chair & Moderator
Vice President – Principal Hydrogeologist, Wilcox & Barton, Inc.
- 8:15 a.m. **The Brownfields Act at 20 Years**
- Robert (Bob) D. Cox, Jr., Managing Partner, Bowditch & Dewey, LLP
- 8:40 a.m. **Brownfield Redevelopment Fund**
- Shyla Matthews, Vice President of Community Development
Central Region, MassDevelopment
- 9:05 a.m. **What We Know about the 2018 BUILD Act**
- James (Jim) Byrne, Brownfields Project Officer, U.S. EPA – Region One
- 9:30 a.m. **Panel Discussion**
- Panel Moderator: **David Foss**, Wilcox & Barton, Inc.
- Panel Members:
- **Jim Byrne**, U.S. EPA – Region One
 - **Bob Cox**, Bowditch & Dewey, LLP
 - **Shyla Matthews**, MassDevelopment
- 10:30 a.m. **Adjourn – Closing Comments – Jon Kitchen**

PROGRAM CHAIR

David Foss, CPG, LSP, Vice President – Principal Hydrogeologist
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David Foss is a Principal Hydrogeologist who leads the Brownfield Redevelopment practice at Wilcox & Barton, Inc., connecting a broad range of public and private development interests. Focusing on the remediation and redevelopment of hazardous waste and petroleum-contaminated sites, he finds great satisfaction in the revitalization of urban neighborhoods and the social benefits of economic renewal. He identifies and implements solutions for projects involving difficult regulatory and technical issues. David is an expert in Brownfield incentive programs and policy. He effectively directs teams of geologists, environmental scientists, risk assessors, structural, civil and site design engineers to complete environmental projects with municipalities, public agencies, property owners, and developers. He identifies and implements solutions for projects with challenging environmental histories amid overlapping regulatory programs for all Wilcox & Barton, Inc. projects.

David is active in numerous civic and professional organizations including the Licensed Site Professional (Massachusetts), Rhode Island Society of Environmental Professionals, the American Institute of Professional Geologists (AIPG), the Massachusetts Geologic Society, and in the Town of Rehoboth is a member of the Municipal Building Committee. He is a Certified Professional Geologist and Licensed Site Professional.

SPEAKERS

James (Jim) Byrne, Brownfields Project Officer
U.S. EPA – Region One
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Jim has been working in the environmental field for over 30 years. His experiences include work in the following fields: laboratory, consulting, hazardous waste management for a Fortune 500 corporation & the USEPA. He has held certifications & licenses in wildlife biology, industrial wastewater treatment, asbestos inspection & management/planning & OSHA Health & Safety. For the past 16 years, Jim has worked for the USEPA Region I Brownfields Team as a project officer overseeing assessment, cleanup & revolving loan fund grants in all six New England states. He also serves as the Team's Cleanup & State Lead.

What attracted Jim to the Brownfields program was the opportunity to use his knowledge of assessment & cleanup techniques to revitalize underutilized or abandoned sites for economic and/or greenspace reuse. Jim believes partnerships and stakeholder involvement are the keys to successful brownfields cleanup & redevelopment projects. Partnerships between all three levels of government and with the non-profit & private development sectors are incredibly important. Government often provides the seed money in the form of assessment and cleanup funds as well as certain liability protections and assurances, and other incentives (tax credits, etc.) to make the property more attractive to prospective developers. Without the above partnerships, many brownfields projects would never get off the ground. Just as important as the above scenario, no brownfields project can be brought to fruition without a comprehensive stakeholder involvement plan. Community support for the project is crucial!

B.S. in Biology (Environmental & Wildlife Concentrations); Framingham State College, MA
M.S. In Civil Engineering (Hazardous Materials Management); Tufts University Medford, MA

Robert D. Cox, Jr., Managing Partner
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Bob Cox is recognized as one of the top environmental lawyers in Massachusetts by Chambers USA, America's Leading Lawyers for Business. He has been selected by his peers as one of the Best Lawyers in America in the practice area of Environmental Law and Litigation – Environmental, and since 2004, he has been selected for inclusion in Massachusetts Super Lawyers. Mr. Cox counsels clients on environmental compliance and enforcement actions. He represents clients with respect to water, air, hazardous waste, and solid waste matters before the United States Environmental Protection Agency, Massachusetts Department of Environmental Protection and local regulatory boards. He has significant experience in NPDES water permitting, including appeals of NPDES permits to the Environmental Appeals Board, as well as administrative appeals and hearings on MassDEP issued permits. He defends claims and actions brought by government environmental enforcement agencies. He also represents clients in cost recovery claims and private party litigation under Chapter 21E and CERCLA in state and federal courts. He regularly advises clients on brownfields development activities and on strategies to limit or shift environmental liability risks in connection with real estate or business transfers.

Bob is a frequent speaker on environmental law and has authored many publications on current topics in the practice of environmental law. He was founding chair of the Environmental Law Section of the Worcester County Bar Association. Mr. Cox is active in various civic and professional organizations, including the Massachusetts Bar Association, Boston Bar Association, Worcester County Bar Association and MCLE, and in the Town of Rutland, where he served on the Zoning Board of Appeals for 15 years.

Shyla Ruffer Matthews, CCIM, VP Community Development – Central Region
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Shyla Matthews, CCIM is Vice President – Community Development at MassDevelopment for the Central Region of the Commonwealth. Shyla is a member of an executive team for MassDevelopment that helps to stimulate economic development by providing financing for virtually all phases of projects. She is responsible for management of the community development portfolio of initiatives including Predevelopment Loans, administration of the Collaborative Workspace Program, the Transformative Development Initiative, and the Brownfields Redevelopment Fund in the region.

Shyla has been designated by the National Association of Realtors as a Certified Commercial Investment Member (CCIM). A CCIM is a recognized expert in the disciplines of commercial and investment real estate. She holds a Bachelor of Science Degree from Emory University. Shyla has experience both in the public sector working for the Massachusetts General Court as a Legislative Staff Director for several committees and in the private sector, possessing extensive experience in the field of corporate and commercial real estate.

Brownfields Redevelopment Fund - Created to encourage the reuse of Brownfield sites — vacant or underutilized properties complicated by environmental contamination and liability. In FY17, the Commonwealth authorized \$45 million in capital funding for the Brownfields Redevelopment Fund. To ensure the Fund's sustainability and reduce the need for recapitalization, MassDevelopment has adjusted the program to increase repayment from municipalities that benefit from economic development as a result of brownfields funding. That reimbursement would come from a share of tax collections on successful, revenue-producing sites, which benefit both the community and the Commonwealth.

UPCOMING EBC PROGRAMS

OCTOBER 2018

October 11 – Ocean and Coastal Resources Program: 3rd Annual Living Shorelines Conference
October 17 – Rhode Island Program: Briefing by the Rhode Island DEM Section Chiefs
October 17 – Ascending Professionals Committee Program Planning Meeting
October 17 – Ascending Professionals Professional Development Series: Wetlands Permitting
October 18 – Energy Resources Program: Update on Energy Initiatives from MA State Agencies
October 19 – Connecticut Program: Update on Solid Waste Management Issues in Connecticut
October 24 – Program Series with MassDEP Regional Leadership: Northeast Region
October 26 – Climate Change Program: The Case for Putting a Price on Carbon
October 30 – Energy Program: Efficiency as a Grid Resource

NOVEMBER 2018

November 2 – Infrastructure Program: What is Blockchain and the Transactive Energy Platform?
November 5 – Water Resources Committee Program Planning Luncheon
November 8 – Program Series with MassDEP Regional Leadership: Western Region
November 9 – Ocean & Coastal Resources Program: 12th Annual Dredging Conference
November 14 – Evening Program: Briefing from Fred Laskey, Executive Director, MWRA
November 15 – Site Remediation and Redevelopment Program: Massachusetts MCP Amendments
November 16 – Climate Change Program: Climate Adaptation and Resiliency for Utilities
November 20 – New Hampshire Chapter Program Planning Meeting
November 26 – Connecticut Chapter Program Planning Meeting
November 28 – Ocean and Coastal Resources Committee Program Planning Luncheon
November 29 – Dam Management Program: Emergency Action Planning
November 30 – Climate Adaptation Forum: Lessons from Puerto Rico and Local Preparation

DECEMBER 2018

December 3 – Solid Waste Management Committee Program Planning Luncheon
December 4 – Energy Resources Program: MassDOER Commissioner Judith Judson
December 5 – Rhode Island Chapter Program Planning Meeting
December 6 – 20th Annual Winter Garden Party
December 10 – Energy Resources Committee Program Planning Meeting
December 11 – Annual New Hampshire Chapter Holiday Party
December 12 – Annual Rhode Island Chapter Holiday Party